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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,880	12/19/2001	Wim Boute	P-8927	8836

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MEDTRONIC, INC.  
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EXAMINER

BRADFORD, RODERICK D

ART UNIT	PAPER NUMBER
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3762

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/020,880

Applicant(s)

BOUTE ET AL.

Examiner

Roderick Bradford

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 40-48 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-11, 15, 17-19, 24, 25, 31-35, 38 and 39 is/are rejected.
- 7) ☒ Claim(s) 6, 16, 20-23, 26-30, 36 and 37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, filed September 14, with respect to the rejection(s) of claim(s) 1-11, 31-35, 38 and 39 under 35 USC 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Christophersom et al. U.S. Patent 6,738,671.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 7-11, 15, 17-19, 24, 25 31-35, 38 and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Christophersom et al. U.S. Patent No. 6,738,671.

Referring to claims 1, 11, 15 and 31, Christophersom discloses a system for transmitting medical data obtained from a person to website comprising:

- A computer system accessible to said person, said computer having at least one simple port for receiving data in a prescribed form (col. 7, lines 15-18); signal means for obtaining data from a said person; transform means for transforming said data to simple port (col. 3, lines 9-28)

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- A circuit connection for connecting said transformed data to said simple port (col. 3, lines 32-37)
- Said computer system having web site means for connecting through the internet to a web site (Fig. 1).

Referring to claims 2 and 34, wherein said computer system comprises a PC having a keyboard port, and said circuit connection connects said transformed data to said keyboard port (Fig. 2).

Referring to claims 3 and 35, wherein said computer system comprises a PC having a mouse port, and said circuit connection has for connecting said transformed data to said mouse port (Fig. 2).

Referring to claim 4, wherein the person has an implanted medical device, said signal means comprises a pacemaker programmer for receiving cardiac signals from the implanted medical device, and said transform means comprises means for transforming said cardiac signals into data acceptable for said simple port (col. 4 line 45 and col. 5 lines 8-28).

Referring to claim 12, further comprising a website at remote computer, each of the local computer and said remote computer being connected to the internet, and said local computer having software for transmitting said transformed data over the internet to said remote computer and for receiving messages back from said remote computer (col. 14, lines 11-18).

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Referring to claim 19, comprising sending a command signal from said web site and transmitting said command signal through said port, said interface device and said T/R device to said implanted medical device (col. 7, lines 4-21).

Referring to claim 24, comprising positioning a medical device as source for obtaining medical data from a patient, transferring said data to a portable interface unit, and transferring said data in said interface unit (Fig. 1).

Referring to claim 32, wherein said patient has an implanted pacemaker type device, comprising collecting data with said pacemaker type device and downloading said data with said pacemaker type device and downloading said data to a transmit/receive device, and transferring said data to said portable data transforming device (col. 6, lines 1-5).

Referring to claim 33, comprising providing a signal pickup device and using said signal pickup device to obtain said patient medical data and connecting said signal device to said portable data transforming device (col. 11, lines 40-57).

Referring to claim 38, comprising using EKG device to obtain a patient EKG, and transferring said patient EKG to said portable data transforming device (col. 12, lines 34-47).

***Allowable Subject Matter***

4. Claims 40-48 are allowed.
5. Claims 6, 16, 20-23 and 26-30, 36 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roderick Bradford whose telephone number is (703) 305-3287. The examiner can normally be reached on Monday - Friday 9 a.m. - 6:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (703) 308-5181. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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